

17668 U.S. PTO
08/26/03

PENNIE & EDMONDS LLP DOCKET NO. 8932-825-999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

17497 U.S. PTO
10/647587
08/26/03

Prior application: Examiner R. Lewis
Art Unit 3732

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/915,572, filed on July 27, 2001, now allowed, which claims the benefit of U.S. Application No. 60/221,518, filed July 28, 2000.

of **Kris G. KUMAR; Balaji S. RAMAMURTI; Barclay R. DAVIS; Thomas J. RUNCO**
(inventor(s) currently of record in prior application)

for **SPINAL FIXATION SYSTEM**

(title of invention)

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	Fee
Total Claims	23	- 20	3	\$18.00 each	\$ 54.00
Independent	2	- 3		\$84.00 each	\$
			Minimum Fee		\$ 750.00
			Multiple Dependency Fee		\$
			If Applicable (\$280.00)		\$
					Total \$ 804.00
					\$
					\$
					Total Filing Fee \$ 804.00

2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3. Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. , filed .

4a. New formal drawings are enclosed.

4b. Informal drawings are enclosed.

5a. Priority of application no. filed on in is claimed under 35 U.S.C. §119.

5b. The certified copy has been filed in prior application no. , filed

6. The prior application is assigned of record to Synthes (USA) on December 3, 2001 at Reel 012337, Frame 0573.

7a. A copy of the Power of Attorney filed in the prior application no. 09/915,572, filed July 27, 2001 is enclosed.

7b. A Power of Attorney is enclosed.

8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.

9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .

10. DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11. Information Disclosure Statement, Form PTO-1449, Preliminary Amendment.

Respectfully submitted,

Arthur M. Antonelli
For: *Brian M. Rothery*

Arthur M. Antonelli
For Brian M. Rothery
PENNIE & EDMONDS LLP

Reg. No. 51,410
Reg. No. 35,340

Enclosures

Please type a plus (+) inside this box +

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

	Attorney Docket No.	8932-825-999	Total Pages	23
<i>First Named Inventor or Application Identifier</i>				
K. KUMAR et al.				
Express Mail Label No.				

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
3. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below, MPEP 1503.01)</i>	a. <input type="checkbox"/> Computer Readable Form (CRF)
	b. <input type="checkbox"/> Specification Sequence Listing on:
	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
	ii. <input type="checkbox"/> paper
	c. <input type="checkbox"/> Statement verifying identity of above copies
4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 7 (13 Figs)]	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. <input checked="" type="checkbox"/> Declaration a. <input type="checkbox"/> Newly executed (original or copy)	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>	11. <input type="checkbox"/> English Translation Document (if applicable)
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	13. <input type="checkbox"/> Preliminary Amendment
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent
	17. <input type="checkbox"/> Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No.: 09/915,572, filed July 27, 2001, now allowed, which claims the benefit of U.S. Patent Application No. 60/221,518, filed July 28, 2000.

Prior application information:

Examiner: R. Lewis

Group Art Unit: 3732

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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